

Timothy D. Battin
STRAUS & BOIES, LLP
4041 University Drive, Fifth Floor
Fairfax, VA 22030
Tel: 703-764-8700
Fax: 703-764-8704
tbattin@straus-boies.com

Counsel for Indirect Purchaser Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. CV-07-5944-JST

MDL No. 1917

This Document Relates to:

All Indirect Purchaser Actions

**DECLARATION OF TIMOTHY D.
BATTIN IN SUPPORT OF INDIRECT
PURCHASER PLAINTIFFS' RESPONSE
TO STATEMENT PURSUANT TO
ORDER RE: OBJECTION TO *EX
PARTE* COMMUNICATIONS AND
IN CAMERA REVIEW OF BILLING
RECORDS**

Hearing Date: April 19, 2016

Time: 2:00 p.m.

Court: 9, 19th Floor

Judge: Hon. Jon S. Tigar

Special Master: Martin Quinn, JAMS

1 I, Timothy D. Battin, declare as follows:

2 1. I am the managing partner in the law firm of Straus & Boies, LLP (“Straus &
3 Boies” or the “Firm”). I have personal knowledge of the facts stated in this declaration and, if
4 called as a witness, I could and would testify competently to them. Based on my Firm’s
5 extensive work in this case and my familiarity with the time records reflecting the same, I make
6 this declaration in support of Indirect Purchaser Plaintiffs’ Response to Objectors’ Statement
7 Pursuant to Order Re: Objection to *Ex Parte* Communications and *In Camera* Review of Billing
8 Records.

9 2. Throughout this eight-year litigation, Straus & Boies has kept detailed time
10 records that demonstrate our substantial contribution to the prosecution of this case. Attorneys
11 from Straus & Boies were involved in most aspects of this litigation and invested significant time
12 tackling the wide array of issues that arose throughout. Because of the managerial
13 responsibilities bestowed upon my Firm by Lead Counsel, an experienced team of attorneys and
14 staff were dedicated to this case largely on a full-time basis.

15 3. Straus & Boies takes seriously its obligation to accurately report its time on a
16 contemporaneous basis. This commitment is reflected in the eight years of detailed time records
17 submitted to this Court. *Before* my Firm’s time records were submitted to Lead Counsel, they
18 were reviewed internally to ensure the lodestar accurately represented time reasonably expended
19 for the benefit of the class. My Firm’s time records also underwent a *second* review by Lead
20 Counsel. These two reviews resulted in a total reduction of approximately 2.10%, or \$193,000
21 from my firm’s current lodestar. Straus & Boies’ time may now be subject to a *third* reduction,
22 this time by 10 percent, based on the recommendation of the Special Master to universally
23 decrease all class counsel’s time. Thus Straus & Boies’ current lodestar may be reduced by
24 approximately 12%, or \$1.1 million.

25 4. Objectors now argue that Straus & Boies’ lodestar should be reduced an
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1 additional 20% based on our use of quarter hour billing increments. But the vast majority of
 2 entries in my Firm's time records span multiple hours and are supported by ample descriptions of
 3 the substantive tasks completed by attorneys and staff during that time. Even accepting
 4 Objectors' attack on quarter hour billing, the practice does not have the impact Objectors may
 5 think. For illustrative purposes, we systematically reduced this Firm's time entries of 0.25 to
 6 0.10, and 0.75 to 0.60. Further we reduced all time entries of more than an hour ending in __.25
 7 to __.00, and ending in __.75 to __.50. Combined, these adjustments reduced Straus & Boies'
 8 total lodestar by only 1.86% (significantly less than the 10 percent reduction proposed for all
 9 class counsel's time by the Special Master).

10 5. Objectors criticize block billing by "the firms with the highest lodestars." They
 11 propose additional reductions for such practices. Here, Straus & Boies has written and
 12 categorized its time in much the same way it did in LCDs, a case led by Mr. Scarpulla. In LCDs,
 13 not only were Straus & Boies' billing practices not criticized by lead counsel, the Special Master
 14 determined that Straus & Boies was one of the handful of experienced "core" firms taking on
 15 major responsibility and deserving among the very highest multipliers in a case of 117 law firms.
 16 And here again, Straus & Boies' time entries are sufficiently detailed to allow one to determine
 17 whether the time billed was reasonable given the quality and quantity of the work that was
 18 performed.

19 I declare under penalty of perjury that the foregoing is true and correct. Executed this
 20 12th day of April, 2016, in Fairfax, VA.



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 22 Timothy D. Battin
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